

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/29/25
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESMIRALDA KONYUKHOVA,	:	
	:	
Plaintiff,	:	
	:	24-CV-4390(VEC)
-against-	:	
	:	<u>ORDER</u>
WALGREEN COMPANY, SEDGWICK	:	
CLAIMS MANAGEMENT SERVICES, &	:	
WALGREENS COMPANY PAID DISABILITY	:	
PLAN FOR SALARIED TEAM MEMBERS,	:	
PHARMACISTS, & PARAPROFESSIONALS,	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed the First Amended Complaint on November 18, 2024, in which she added Walgreens Company Paid Disability Plan for Salaried Team Members, Pharmacists, and Paraprofessionals (“Walgreens Paid Disability Plan”) as a Defendant, *see* First Am. Compl., Dkt. 22;

WHEREAS Plaintiff thereafter went pro se and moved for leave to file the Second Amended Complaint, *see* Second Am. Compl., Dkt. 49, which the Court denied without prejudice until issues regarding Plaintiff’s representation were resolved, *see* Dkt. 53;

WHEREAS Plaintiff filed the operative Second Amended Complaint on March 11, 2025, which again named Walgreens Paid Disability Plan as a defendant, *see* Dkt. 68; and

WHEREAS to date, Plaintiff has not requested a summons by which to serve Walgreens Paid Disability Plan.

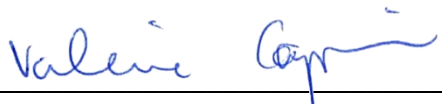
IT IS HEREBY ORDERED that Walgreens Paid Disability Plan is dismissed as a Defendant. “If a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made

within a specified time.” Fed. R. Civ. P. 4(m). Walgreens Paid Disability Plan was named as a Defendant on November 18, 2024, which was 162 days ago. Plaintiff has made no effort to serve this Defendant nor provided any colorable justification for her failure to serve the Amended Complaint.

The Clerk of Court is respectfully directed to terminate Walgreens Company Paid Disability Plan for Salaried Team Members, Pharmacists, and Paraprofessionals as a Defendant in this case.

SO ORDERED.

Date: April 29, 2025
New York, NY



VALERIE CAPRONI
United States District Judge